

REMARKS

Reconsideration of this application is respectfully requested.

In the Office Action, claims 1-20 and 22-26 were pending. Claims 1-20 and 22-26 were rejected. In this response, no claim has been canceled. Claims 1 and 12 have been amended. No new matter has been added.

Claims 1-20 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,147,774 of Hamadani et al. ("Hamadani") in view of U.S. Patent No. 5,095,373 of Hisano ("Hisano"), both of which have been assigned to a common assignee of the present application. In addition, Hamadani was issued November 14, 2000, which is after the filing date of the present application.

Applicant respectfully submits that the subject matter of Hamadani and the present invention as claimed were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. As a result, it is respectfully submitted that Hamadani is not a prior art with respect to the present invention as claimed under 35 U.S.C. 103(c).

Even if Hamadani were considered as a prior art, it is respectfully submitted that the present invention as claimed includes limitations that are not disclosed or suggested by Hamadani and Hisano, individually or in combination. Specifically, independent claim 1 recites as follows:

1. A method comprising:
processing data corresponding to a facsimile transmission with a facsimile device coupled to a network;
determining an operating mode of the facsimile device;
if the facsimile device is operating according to a first automatic mode of operation, then automatically capturing the data corresponding to the facsimile transmission into metadata and sending the captured metadata, over the network using a

facsimile protocol of the network, to a predetermined address other than a destination of the facsimile transmission; and

if the facsimile transmission is operating according to a second manual mode of operation, then automatically selectively capturing and optionally modifying the data corresponding to the facsimile transmission into the metadata based upon external input data and sending the captured metadata, over the network using a facsimile protocol of the network, to the predetermined address.

(Emphasis added)

Independent claim 1 includes a facsimile device having an automatic mode and a manual mode. During the automatic mode, the device automatically captures metadata representing an image of a document being faxed and transmits the captured metadata to a predetermined address other than the destination of the original facsimile transmission (in addition to the original facsimile transmission). During the manual mode, the device may further receive input data (from a user) to perform selective capturing and/or modification. It is respectfully submitted that these limitations are absent from the cited references, individually or in combination.

Rather, Hamadani discloses an interface card within a facsimile device that interfaces the device to another facsimile device through modem and a computer, where the computer may be used to input data to a document being faxed via the facsimile device (see, Abstract of Hamadani). Hisano relates to a facsimile device having internal memory to store the image of a document being faxed, where the stored image may be faxed to another destination. However, under the system of Hisano, the stored image has to be transmitted one at a time manually by calling the specific number of the intended recipient's phone number (see, Abstract of Hisano).

It is respectfully submitted that none of the cited references, individually or in combination, discloses or suggests a facsimile device having a network interface, where a document being faxed is automatically captured and sent (e.g., without user intervention), over the network using a facsimile protocol of the network, to another address other than the intended destination of the corresponding facsimile transmission. Therefore, for the reasons discussed

above, it is respectfully submitted that independent claim 1 is patentable over Hamadani in view of Hisano.

Similarly, independent claims 12, 17, 20, 22, and 26 include limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, it is respectfully submitted that claims 12, 17, 20, 22, and 26 are patentable over Hamadani in view of Hisano.

Given that claims 2-11, 13-16, 18-19, and 23-25 depend from one of the above independent claims, at least for the reasons set forth above, it is respectfully submitted that claims 2-11, 13-16, 18-19, and 23-25 are patentable over Hamadani in view of Hisano. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,
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Date: 4/12/2004


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